

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 2:11-cr-20129

Honorable Robert H. Cleland

vs.

D-16, TIMOTHY PAUL DOWNS,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

The United States filed an Unopposed Application for Entry of Preliminary Order of Forfeiture (“Application”) seeking a forfeiture order for any property, real or personal, which constitutes or is derived from proceeds traceable to Defendant Timothy Paul Downs’ violations of 18 U.S.C. §§ 371 and 1955, as well as any property, including money, used or involved in such violations, including, but not limited to the following:

(Note: “DD” referenced in the chart below means “Devils Diciples”.)

1B	ITEM	DATE SEIZED/ FIRE DATE	SEIZED FROM	SEIZURE LOCATION
536	Roaring '20's Slot Machine, Bally's (Manufacturer), Model S62M3CT-10, S/N 5970519159	11/15/2007	DD Blue Water Club House	7982 Arnold Road, Ira Twp, MI
543	DD 2003 Calendar	11/15/2007	DD Blue Water Club House	7982 Arnold Road, Ira Twp, MI
545	1 Maxell CD-R, 700 mb, DD by-laws	11/15/2007	DD Blue Water Club House	7982 Arnold Road, Ira Twp, MI

516	\$93.25 removed from Slot Machine in 1B 516	11/15/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
536	\$16.75 removed from Slot Machine in 1B 536	11/15/2007	DD Blue Water Club House	7982 Arnold Road, Ira Twp, MI
268	Nine framed DD mirrors	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
269	One framed photograph of DD members	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
270	Black leather vest with DD patches on the back	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
271	Black leather vest with DD patches on the back, black leather vest with miscellaneous DD patches	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
272	One black leather vest with DD patches on the back, black leather vest with miscellaneous DD patches	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
273	One black leather vest with DD patches on the back, black leather vest with miscellaneous DD patches and pins	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
274	One black leather vest with DD patches on the back, one black leather vest with miscellaneous DD patches and pins	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
275	One black leather vest with DD patches on the back	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
276	One black leather vest with DD patches on the back, one black leather vest with miscellaneous DD patches and pins	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
277	Miscellaneous DD memorabilia, miscellaneous DD patches	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
287	DD flag and business card	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
288	Miscellaneous DD shirts, 12 Miscellaneous clothing items	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
293	Two DD plaques	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI

295	One DD plaque	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
297	One Sentry model 1110 safe	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
299	One black leather vest with DD patches on the back, one black leather vest with miscellaneous DD patches and pins	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
300	One black leather vest with DD patches on the back	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
301	One Lite Industries green protective vest	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
302	One black DD blanket	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
306	Miscellaneous DD memorabilia, miscellaneous DD patches	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
315	Eight picture frames, eight picture frames of DD members	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
317	One poster board with four pictures of DD members	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
324	One gold colored men's ring with "EK" engraved	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
330	One gold colored men's ring with "Devils Diciples" engraved, One gold colored men's ring in the form of "44"	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
514	Casino Poker Machine, Cal Omega (Manufacturer), S/N 800910	11/15/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
515	Draw Poker Machine, Casino Electronics (Manufacturer), Model 327-510, S/N M-2977	11/15/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
516	All American Slot Machine, Bally's (Manufacturer), Model S63U3WT-10, S/N S970518491	11/15/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
517	777 Slot Machine, Bally's (Manufacturer), Model S65L3CT60, S/N S970316561	11/15/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI

522	One CPU, HP Model #A720N, s/n 4390W47	11/15/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
523	One CPU, Packard Bell Legend 3540, P/N 890388, S/N N168002246, additional numbers A9404X4A/PBNN61600309	11/15/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
525	One CPU, E-Machine, Model T6412, S/N XRYSA10050300	11/15/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
546	One Devil's Disciples gold ring "20 years" and ring box	11/15/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
325	One 9mm black magazine	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
326	One handgun magazine, black	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
327	Eleven 9mm rounds	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
328	Twelve 9mm rounds	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
329	Miscellaneous ammunition, one bag	6/18/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
	1 Ashiba Digital Scale, Model 1625 with case	3/10/2005, COMET, tot FBI4/18/2005	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
514	\$8.50 removed from Slot Machine in 1B 514	11/15/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
517	\$31.00 removed from Slot Machine in 1B 517	11/15/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
520	FEG/KBI pistol, Model PJK-9HP, S/N G02677, 9mm caliber	11/15/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
529	Two shotgun rounds, one .410-gauge round, 40 rounds .45 caliber, magazine with seven rounds of .45 caliber	11/15/2007	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
814	Mossberg Shotgun, Model 500A, S/N J501722, 12-gauge	2/19/04 (ATF) 2/21/08 (FBI)	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
	8 each, 9mm Luger Rounds	3/11/2005, MSP	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI

	Pistol, Semi Auto, Model 213, 9mm, (made in China) and one magazine	3/11/2005, COMET	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
	Mossberg Shotgun, Model 500A, 12-gauge	3/11/2005, COMET	DD Detroit Club House	43653 Gratiot Ave, Clinton Twp, MI
609	2 Bar Slot Machine, Bally's (Manufacturer), Model S63L3WT-10, S/N S940202515	11/15/2007	DD Port Huron Club House	2424 Little Street, Port Huron, MI
610	3 Bar Slot Machine- Wild Rose, Bally's (Manufacturer), Model S62B3VT-10, S/N S930805443	11/15/2007	DD Port Huron Club House	2424 Little Street, Port Huron, MI
611	3 Bar Slot Machine - 7 Second Chance, Bally's (Manufacturer), Model S63U3WT10, S/N S950100082	11/15/2007	DD Port Huron Club House	2424 Little Street, Port Huron, MI
612	3 Bar Slot Machine - Blazing 777, Bally's (Manufacturer), Model S63U3CT-70, S/N S970316959	11/15/2007	DD Port Huron Club House	2424 Little Street, Port Huron, MI
613	3 Bar Slot Machine - Blazing 777, Bally's (Manufacturer), Model S63BCT-60, S/N S970316552	11/15/2007	DD Port Huron Club House	2424 Little Street, Port Huron, MI
615	"44" Photo Plaque with one photo	11/15/2007	DD Port Huron Club House	2424 Little Street, Port Huron, MI
616	"Vern DDMC" picture plaque with one photo	11/15/2007	DD Port Huron Club House	2424 Little Street, Port Huron, MI
617	Surveillance video monitor and two cameras	11/15/2007	DD Port Huron Club House	2424 Little Street, Port Huron, MI
618	DD photo collage	11/15/2007	DD Port Huron Club House	2424 Little Street, Port Huron, MI
625	DD Biker photo collage	11/15/2007	DD Port Huron Club House	2424 Little Street, Port Huron, MI
1249	Black leather vest with "Devil's Diciples" insignia	7/13/2012	DD Port Huron Club House	2424 Little Street, Port Huron, MI
603	Five .380 caliber rounds	11/15/2007	DD Port Huron Club House	2424 Little Street, Port Huron, MI
604	AMT Pistol, Model Backup, S/N D00709, .380 caliber	11/15/2007	DD Port Huron Club House	2424 Little Street, Port Huron, MI

605	Winchester Defender Shotgun, S/N L2079329, 12-gauge	11/15/2007	DD Port Huron Club House	2424 Little Street, Port Huron, MI
606	Seven 12-gauge Winchester shotgun shells	11/15/2007	DD Port Huron Club House	2424 Little Street, Port Huron, MI
607	One box 12-gauge shotgun shells	11/15/2007	DD Port Huron Club House	2424 Little Street, Port Huron, MI
609	\$169.50 removed from Slot Machine in 1B 609	11/15/2007	DD Port Huron Club House	2424 Little Street, Port Huron, MI
610	\$69.00 removed from Slot Machine in 1B 610	11/15/2007	DD Port Huron Club House	2424 Little Street, Port Huron, MI
611	\$234.00 removed from Slot Machine in 1B 611	11/15/2007	DD Port Huron Club House	2424 Little Street, Port Huron, MI
612	\$74.75 removed from Slot Machine in 1B 612	11/15/2007	DD Port Huron Club House	2424 Little Street, Port Huron, MI
613	\$89.50 removed from Slot Machine in 1B 613	11/15/2007	DD Port Huron Club House	2424 Little Street, Port Huron, MI
614	Crossman Air Rifle, Model 140, No S/N .22 caliber	11/15/2007	DD Port Huron Club House	2424 Little Street, Port Huron, MI
620	One bag containing numerous .357 magnum rounds	11/15/2007	DD Port Huron Club House	2424 Little Street, Port Huron, MI
622	One 9mm Glock magazine	11/15/2007	DD Port Huron Club House	2424 Little Street, Port Huron, MI
983	Bersa Handgun, Model Thunder 380, S/N 903222, .380 caliber with magazine (1B985) and seven rounds of ammunition (1B984)	4/1/2009	DD Port Huron Club House	2424 Little Street, Port Huron, MI
1248	Ithaca shotgun, Model 37-Featherlight, S/N 371322238, 12-gauge	7/13/2012	DD Port Huron Club House	2424 Little Street, Port Huron, MI
928	35th anniversary DD medallion, "Big Daddy and Baby Girl" DD photo	10/30/2008	Timothy Downs	49618 Octavia Chesterfield Twp, MI
929	DD silver ornament	10/30/2008	Timothy Downs	49618 Octavia Chesterfield Twp, MI
930	DD tee shirts, (7)	10/30/2008	Timothy Downs	49618 Octavia Chesterfield Twp, MI
931	DD miscellaneous items, one black leather case, one DD cup holder and one DD knit hat	10/30/2008	Timothy Downs	49618 Octavia Chesterfield Twp, MI

932	DD patch	10/30/2008	Timothy Downs	49618 Octavia Chesterfield Twp, MI
936	Five cell phones: (1) T Mobile Blackberry with case, Model 7105t, S/N CE0168; (2) One Nokia cell phone, Model 1600, S/N 0532765F007r1; (3) One Verizon LG cell phone, Model VX3300, S/N 507CYGW0711935; (4) One T Mobile Motorola cell phone, Model 610214611765, S/N D54EFSZK51; (5) One T Mobile cell phone, Model Exca100(HTC), S/N SZ712FE03465 with leather case	10/30/2008	Timothy Downs	49618 Octavia Chesterfield Twp, MI
937	MC DD patch, FTW DD patch, DD magnet, DD coffee cup (broken handle), DD tee shirt	10/30/2008	Timothy Downs	49618 Octavia Chesterfield Twp, MI
938	DD sweatshirt and DD tee shirt	10/30/2008	Timothy Downs	49618 Octavia Chesterfield Twp, MI
939	DD vest with miscellaneous DD patches	10/30/2008	Timothy Downs	49618 Octavia Chesterfield Twp, MI
940	Picture of DD 2006, picture of DD 2006, drawing of DD Forever, wooden emblem of DD Michigan	10/30/2008	Timothy Downs	49618 Octavia Chesterfield Twp, MI
941	One black and tan knife in cloth container	10/30/2008	Timothy Downs	49618 Octavia Chesterfield Twp, MI
946	Three DD hats	10/30/2008	Timothy Downs	49618 Octavia Chesterfield Twp, MI
948	One Dell CPU, Serial number CN0C31527082141C2KL, Model number MTC2	10/30/2008	Timothy Downs	49618 Octavia Chesterfield Twp, MI

949	Bally's Slot Machine Wild Rose, Model S62M3CT-10, S/N S960403714 and one flamingo casino token	10/30/2008	Timothy Downs	49618 Octavia Chesterfield Twp, MI
950	Panic Saurus Slot Machine, Yamasaki Limited (Manufacturer), No visible S/N and 55 tokens from machine	10/30/2008	Timothy Downs	49618 Octavia Chesterfield Twp, MI
951	One silver colored "DD" ring	10/30/2008	Timothy Downs	49618 Octavia Chesterfield Twp, MI
119	Ruger Revolver, Model Blackhawk, S/N 41-23464, .41 caliber	5/15/2007	Tucson Clubhouse	4502 E. Benson Highway, Tucson, Arizona
132	Two 9mm Magazines, 30 round capacity	5/15/2007	Tucson Clubhouse	4502 E. Benson Highway, Tucson, Arizona
	One silver Metro PCS	4/1/2009	Paul Darrah	21655 23 Mile Road, Macomb Twp, MI

WEBSITES

- www.devilsdiciples.org
- www.devilsdiciplesmc.us
- <http://devilsdiciples.tripod.com>
- www.facebook.com/pages/Devils-Diciples/138240809533008
- <https://www.facebook.com/pages/Devils-Diciples-Port-Huron/180687321995079>

OTHER

- The trade mark / word mark / service mark, an example of which is attached hereto as Exhibit A (Registration Number 4574783), issued to Devils Diciples MC. The mark consists of an upper arc framing the words "DEVILS DICIPLES", a design with two crossed pitch forks over a spoked wheel, and the letters "MC", purportedly for use in commerce to indicate membership in an organization of motorcycle riders;
- the word mark "Devils Diciples MC";
- Devils Diciples Motorcycle Club "Colors" including but not limited to center

wheel, vests, pins and patches.

(The property described above is hereinafter collectively referred to as the “Subject Property”).

Based upon the information contained in the Application, the contents of the Rule 11 Plea Agreement entered into by Defendant Timothy Paul Downs (“Defendant”), Defendant’s guilty plea to violating 18 U.S.C. §§ 371 and 1955, as alleged in Count Two of the Third Superseding Indictment, Defendant’s agreement to forfeit the Subject Property, and other information in the record, **IT IS**

HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. Pursuant to 18 U.S.C. § 981(a)(1)(C), 18 U.S.C. § 1955(d) together with 28 U.S.C. § 2461(c) and Fed.R.Crim.P. 32.2, the Subject Property **IS HEREBY FORFEITED** to the United States for disposition in accordance with the law, and any right, title or interest of Defendant in such property **IS HEREBY AND FOREVER EXTINGUISHED**.
2. Based upon the information and agreements contained in Defendant’s Rule 11 Plea Agreement, and other information in the record, there is a sufficient nexus between the Subject Property and Defendant’s offense, and therefore, the Subject Property is forfeitable to the United States pursuant to 18 U.S.C. § 981(a)(1)(C), 18 U.S.C. § 1955(d) together with 28 U.S.C. § 2461(c).
3. This Order shall become final as to Defendant at the time it is entered.

4. The forfeiture of the Subject Property shall be made part of Defendant's sentence and included in Defendant's Judgment, and this Preliminary Order of Forfeiture shall be incorporated by reference in the Judgment.
5. Upon entry of this Preliminary Order of Forfeiture, the United States Attorney General or his designee is authorized to commence any applicable proceeding to comply with the statutes governing third party rights, including giving notice of this Order.
6. Pursuant to 21U.S.C. § 853(n), the United States shall publish notice of this Preliminary Order of Forfeiture and of its intent to dispose of the Subject Property in such manner as the Attorney General may direct on www.forfeiture.gov for at least thirty (30) consecutive days. Said notice shall direct that any person, other than the Defendant, asserting a legal interest in the Subject Property, may file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. The petition shall be for a hearing before the Court alone, without a jury and in accordance with 21 U.S.C. § 853(n), to adjudicate the validity of the petitioner's alleged interest in the Subject Property. Pursuant to 21 U.S.C. § 853(n), any petition filed by a third party asserting an interest in the Subject Property must be signed by the petitioner under penalty of perjury and must set forth the nature and extent of the

petitioner's alleged right, title or interest in the Subject Property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the Subject Property, any additional facts supporting the petitioner's claim, and the relief sought. Pursuant to 21 U.S.C. § 853(n), the United States may also, to the extent practicable, provide direct written notice to any person or entity known to have an alleged interest in the Subject Property.

7. The United States is hereby authorized, pursuant to 21 U.S.C. § 853(n) and Federal Rules of Criminal Procedure 32.2 (c), to conduct any discovery in the ancillary proceeding in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is proper and desirable.
8. Pursuant to 21 U.S.C. § 853(n), following the Court's disposition of any petitions for ancillary hearing, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n) for the filing of third party petitions, the United States shall have clear title to the Subject Property, all other interests in the Subject Property shall be FORFEITED to the United States, this Order shall become the Final Order of Forfeiture as provided by Federal Rule of Criminal Procedure 32.2(c)(2), and the United States shall be authorized to dispose of the Subject Property as prescribed by law.

9. The Court retains jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

IT IS SO ORDERED.

Dated: March 9, 2016

s/Robert H. Cleland
HONORABLE ROBERT H. CLELAND
United States District Judge